

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

1. (Currently Amended) A base station apparatus comprising:

a reception section that receives first channel quality of a control channel to transmit control information, which includes assignment information of a data channel or modulation and coding scheme (MCS) information, and receives second channel quality of the data channel, wherein the first channel quality indicates an MCS, with which the control channel is to be received at a predetermined error probability, the second channel quality indicates an MCS, with which the data channel is to be received at a predetermined error probability, and the first channel quality is independently measured and different from the second channel quality;

a selection section that selects, from among a plurality of mobile stations, a mobile station to which ~~[[a]]~~ the data channel is assigned, the selection of the mobile station being in accordance with both the first ~~measured~~ channel quality of ~~[[a]]~~ the control channel ~~for transmitting control information, which includes assignment information of the data channel or modulation and coding scheme (MCS) information, and~~ the second ~~independently measured~~ channel quality of the data channel; and

a transmitting section that performs radio transmission of data to the selected mobile station.

2. (Currently Amended) The base station apparatus according to claim 1, wherein the selection section selects the mobile station for which the first channel quality of the control channel is greater than or equal to a threshold value set according to a total number of mobile stations currently accommodated by the base station apparatus.

3. (Currently Amended) The base station apparatus according to claim 1, wherein the selection section selects a number of mobile stations in high-to-low order of the first channel quality of the control channel, and the number of the selected mobile stations is set according to a total number of mobile stations currently accommodated by the base station apparatus.

4. (Currently Amended) The base station apparatus according to claim 1, wherein the selection section performs selection in accordance with the second channel quality of the data channel after performing selection in accordance with the first channel quality of the control channel.

5. (Currently Amended) The base station apparatus according to claim 1, wherein the base station apparatus accommodates communications with a plurality of mobile stations and a plurality of corresponding control channels, and

the selection section selects the mobile station to which the data channel is assigned, in accordance with the first channel quality of the control channel corresponding to the selected mobile station, wherein the control channel is a downlink individual channel.

6. (Previously Presented) The base station apparatus according to claim 1, wherein the selection section selects the mobile station to which the data channel is assigned, in accordance with channel quality of an uplink control channel for transmitting an acknowledgment (ACK) or a negative acknowledgment (NACK).

7. (Currently Amended) The base station apparatus according to claim 1, wherein the selection section performs selection of another mobile station in accordance with both the first channel quality of the control channel and the second channel quality of the data channel only if the other mobile station has a distance from the base station greater than or equal to a predetermined value.

8. (Currently Amended) A mobile station apparatus comprising:

a first measuring section that measures a first channel quality of a control channel to receive for receiving control information including assignment information of a data channel or modulation and coding scheme (MCS) information, wherein the first channel quality indicates an MCS, with which the control channel is to be received at a predetermined error probability;

a second measuring section that independently measures a second channel quality of the data channel, wherein the second channel quality indicates an MCS, with which the data channel is to be received at a predetermined error probability, and the first channel quality is independently measured and different from the second channel quality;

a generation section that generates channel quality information from the measured second channel quality of the data channel; and

a determination section that determines, in accordance with the measured first channel quality of the control channel, whether or not the channel quality information of the data channel is to be transmitted.

9. (Currently Amended) The mobile station apparatus according to claim 8, wherein the determination section determines that the channel quality information is to be transmitted when the first channel quality of the control channel is greater than or equal to a threshold value, and determines that the channel quality information is not to be transmitted when the first channel quality of the control channel is less than the threshold value.

10. (Currently Amended) The mobile station apparatus according to claim 8, wherein the first measuring section measures the first channel quality using a reception signal-to-interference ratio (SIR) of the control channel.

11. (Currently Amended) The mobile station apparatus according to claim 8, wherein the first measuring section measures the first channel quality using required transmission power of the control channel.

12. (Currently Amended) A data channel assignment method performed by a base station, the method comprising:

receiving first ~~whereby a mobile station to which a data channel is assigned is selected from among a plurality of mobile stations, the selection of the mobile station being in accordance with both measured channel quality of a control channel to transmit for transmitting control information, which includes assignment information of a the data channel or modulation and coding scheme (MCS) information; , and independently measured channel quality of the data channel.~~

receiving second channel quality of the data channel, wherein the first channel quality indicates an MCS, with which the control channel is to be received at a predetermined error probability, the second channel quality indicates an MCS, with which the data channel is to be received at a predetermined error probability, and the first channel quality is independently measured and different from the second channel quality;

selecting, from among a plurality of mobile stations, a mobile station to which the data channel is assigned, the selection of the mobile station being in accordance with both the first channel quality and the second channel quality; and

transmitting data to the selected mobile station.